

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOSEPH EDWARD SLOAN, BRYON Z. MOLDO,
Chapter 7 Trustee - IN RE JOSEPH EDWARD
SLOAN, Debtor,

Plaintiffs,

vs.

Civ. No. 00-702 BB/WWD ACE

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a foreign corporation,
and RANDAL W. ROBERTS, ESQ.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Plaintiffs' Motion to Compel Defendant Roberts to Answer Oral Questions on Deposition [docket no. 154]. In Plaintiffs' memorandum in support of the instant motion, Plaintiffs make the following statement, to wit:

Defendant Roberts' deposition spans 150 pages, all of which contain no answers to the questions posed by Plaintiffs, rather Mr. Roberts elected to challenge each question individually or through counsel. This evasive behavior is precisely the type of behavior Rule 37 is meant to control and prevent through the granting of orders to compel and the imposition of sanctions.

Plaintiffs generously supplied me with a copy of the deposition in question which indeed contains 150 pages and which contains no highlighted portions indicating matters which the Plaintiffs wish to bring to my attention in conformity with D.N.M. LR-Civ. 10.6. The assertion that Defendant Roberts gave "no answers to questions posed by Plaintiffs ... [and] elected to challenge each question individually or through counsel" is untrue. I decline Plaintiffs' implied invitation to go through the transcript of the deposition and ferret out things which might be the basis of a motion to compel.

WHEREFORE,

IT IS ORDERED that Plaintiffs' Motion to Compel Defendant Roberts to Answer Oral Questions on Deposition [docket no. 154] be, and it is hereby, DENIED.



UNITED STATES MAGISTRATE JUDGE